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10 **Attorneys for Defendant JIANGXI LDK SOLAR HI-TECH CO., LTD.**

11
12 UNITED STATES DISTRICT COURT
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14 NORTHERN DISTRICT OF CALIFORNIA
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16 SAN JOSE DIVISION
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19 **SILICON VALLEY MICROELECTRONICS,)**
20 **INC., a California Corporation,)**

21 **Plaintiff,)**

22 **v.)**

23 **JIANGXI LDK SOLAR HI-TECH CO., LTD.,)**
24 **aka "LDK SOLAR HI-TECH CO., LTD." aka)**
25 **"JIANGXI LDK SOLAR",)**

26 **Defendant.)**

27 **Case No. 11-02485-PSG**

28 **STIPULATION AND**
ORDER TO FURTHER EXTEND TIME
FOR DEFENDANT TO SERVE
RESPONSIVE PLEADING UNDER FED.
R. CIV. P. 12

(Proposed Order Modified by the Court)

STIPULATION

WHEREAS, on May 20, 2011, plaintiff Silicon Valley Microelectronics, Inc. ("SVM") filed its Complaint in this matter;

WHEREAS, SVM claims that it served the Complaint upon defendant Jiangxi LDK Solar Hi-Tech Co., Ltd. ("Jiangxi LDK") on June 3, 2011;

WHEREAS, if the Complaint was served upon Jiangxi LDK on June 3, 2011, the last day for Jiangxi LDK Solar to file a responsive pleading under Federal Rule of Civil Procedure 12 would have been June 24, 2011;

WHEREAS, on June 23, 2011, the parties filed a Stipulation to Extend Time for Defendant to Serve Responsive Pleading under Federal Rule of Civil Procedure 12(b), extending Jiangxi LDK's time to respond to the Complaint until July 25, 2011;

WHEREAS, the parties recently began discussing a potential settlement of this action;

WHEREAS, to support those future settlement discussions, the parties have agreed to further extend Jiangxi LDK's time to respond to the Complaint by an additional two weeks, so that the last day for Jiangxi LDK to respond to the Complaint will be August 8, 2011;

WHEREAS, in light of the pending settlement discussions, the parties have also agreed to extend the time for SVM to file an opposition to Jiangxi LDK's Motion for Administrative Relief to Stay Discovery and ADR Obligations and to Continue Case Management Conference Pending Motion to Dismiss for Lack of Service to August 8, 2011;

WHEREAS, in light of the pending settlement discussions, the parties also request that the Court take off-calendar the ADR Phone Conference which was scheduled for July 28, 2011 at 10:30 a.m. by the Court's Alternative Dispute Resolution Program;

WHEREAS, in light of the pending settlement discussions, the parties also request that the Court take off-calendar the Case Management Conference currently scheduled for August 2, 2011 at 2:00 p.m. (which is also subject to Jiangxi LDK's Motion for Administrative Relief);

WHEREAS, in light of the pending settlement discussions, the parties also request that the Court extend the last day to file a "Consent to Proceed Before a United States Magistrate Judge" or a "Declination to Proceed Before a United States Magistrate Judge and Request for Reassignment"

1 from July 26, 2011 to August 8, 2011;

2 WHEREAS, by stipulating to this further extension, Jiangxi LDK reserves all responses and
3 defenses it may have under Rule 12 or otherwise, including but not limited to any objections as to
4 service of the Complaint or this Court's personal jurisdiction over Jiangxi LDK;

5 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the
6 undersigned, subject to approval of the Court, that:

7 (1) The last day for Jiangxi LDK Solar to file a responsive pleading in this matter under
8 Federal Rule of Civil Procedure 12 is August 8, 2011;

9 (2) The last day for SVMi to file an opposition to Jiangxi LDK's Motion for
10 Administrative Relief to Stay Discovery and ADR Obligations and to Continue Case Management
11 Conference Pending Motion to Dismiss for Lack of Service is August 8, 2011;

12 (3) The last day for the parties to file a Consent to Proceed Before a United States
13 Magistrate Judge" or a "Declination to Proceed Before a United States Magistrate Judge and Request
14 for Reassignment" is August 8, 2011;

15 (4) The ADR Phone Conference currently scheduled for July 28, 2011 at 10:30 a.m. is
16 taken off-calendar; and

17 (5) The Case Management Conference currently scheduled for August 2, 2011 at 2:00
18 p.m. is taken off-calendar.

19 Dated: July 25, 2011

SIDLEY AUSTIN LLP

20
21 By: /s/
22 Robert B. Martin III
23 Attorneys for Defendant

24 Dated: July 25, 2011

SWEENEY, MASON, WILSON &
BOSOMWORTH

25
26 By: /s/
27 Kurt Wilson
28 Attorneys for Plaintiff

SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing Stipulation and [Proposed] Order. In compliance with General Order 45.X.B., I hereby attest that the other signatory concurred in this filing.

DATED: July 25, 2011

SIDLEY AUSTIN LLP

By: /s/ Robert B. Martin III

Robert B. Martin III

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Attorney for Defendant Jiangxi LDK Hi-Tech Co., Ltd.

ORDER

Upon stipulation of the parties, and good cause appearing, the Court orders as follows:

(1) The last day for Jiangxi LDK to file a responsive pleading in this matter under Federal Rule of Civil Procedure 12 is August 8, 2011;

(2) The last day for SVMi to file an opposition to Jiangxi LDK's Motion for Administrative Relief to Stay Discovery and ADR Obligations and to Continue Case Management Conference Pending Motion to Dismiss for Lack of Service is August 8, 2011;

(3) The last day for the parties to file a Consent to Proceed Before a United States Magistrate Judge" or a "Declination to Proceed Before a United States Magistrate Judge and Request for Reassignment" is August 8, 2011;

(4) The ADR Phone Conference currently scheduled for July 28, 2011 at 10:30 a.m. is taken off-calendar.

(5) The Case Management Conference currently scheduled for August 2, 2011 at 2:00 p.m. is continued to August 23, 2011.

IT IS SO ORDERED.

Dated: July 28, 2011


THE HONORABLE PAUL SINGH GREWAL
United States Magistrate Judge